

APPEAL NO. 032522
FILED NOVEMBER 7, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on August 19, 2003. The hearing officer determined that the compensable injury of _____, does not extend to and include an injury to the cervical spine at C3-4, C4-5, C5-6, and C6-7. The appellant (claimant) appeals this determination on sufficiency of the evidence grounds. The respondent (carrier) urges affirmance.

DECISION

The decision and order of the hearing officer have become final pursuant to Section 410.169.

A written request for appeal must be filed within 15 days of the date of receipt of the hearing officer's decision, excluding Saturdays, Sundays, and holidays listed in Section 662.003 of the Texas Government Code. Section 410.202(a) and (d). Pursuant to Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 102.5(d) (Rule 102.5(d)), the hearing officer's decision is deemed to have been received by the claimant five days after the date the decision was mailed by the Texas Workers' Compensation Commission (Commission). Commission records indicate that the hearing officer's decision was mailed to the claimant on August 25, 2003. The claimant was deemed to have received the decision on August 30, 2003. The last date for the claimant to timely file an appeal was September 22, 2003. A copy of the claimant's appeal was faxed to the Commission on September 23, 2003, and was stamped as received by the Commission's Chief Clerk of Proceedings on that date. The appeal is, therefore, untimely.

The appeal being untimely, the jurisdiction of the Appeals Panel was not properly invoked and the decision and order of the hearing officer has become final pursuant to Section 410.169.

The true corporate name of the insurance carrier is **THE INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS, SUITE 750, COMMODORE 1
AUSTIN, TEXAS 78701.**

Edward Vilano
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Elaine M. Chaney
Appeals Judge